

REMARKS

In the First Office Action, the Examiner rejected claims 1, 4, 10-12 and 16-18 under 35 USC §102(b) as being anticipated by Labeur (US Patent 6,003,926). the Examiner rejected claims 2, 3, 5, and 19 under 35 USC §103(a) as being unpatentable over Labeur in view of Eguchi (US 2004/0094984). The Examiner rejected claims 6, 7, and 20 as being unpatentable over Labeur in view of Labeur '283 (US Patent 6,007,283). Claims 13-15 were rejected as being unpatentable over Labeur in view of Youngs et al (US Patent 6,908,269). Claim 8 was rejected under 35 USC §103(a) as being unpatentable over Labeur in view of Labeur '283 and further in view of Youngs et al. Claim 9 was rejected as being unpatentable over Labeur,

Applicants have amended Claims 1-5, canceled claims 12-16 without prejudice, and added Claims 21-25 as reflected in the Claim Listing. Claims 1-11, and 17-25 remain pending in this application.

Reconsideration and re-examination of the application as amended considering the following remarks is respectfully requested.

Rejection Under 35 USC §102(b)

Claims 1, 4, 10-12 and 16-18 were rejected as being anticipated by US 6,003,926 to Labeur. Applicants respectfully disagree and traverse the Examiner's rejection.

Applicants' independent claim 1 requires a flexible container to hold the cargo. Applicants originally filed claim 1 required a cargo retaining element that formed a receptacle, but has been amended to more particularly point out that the retaining element is a container for holding cargo. In rejecting claims 1 and 17 for anticipation based on Labeur, the Examiner relies on element 2, which is clearly illustrated and described as elastic cables. As described in Applicants' specification, one of the advantages of Applicant's claimed invention is that "the storage system may optionally be removable to facilitate loading and unloading of cargo from the vehicle." Applicants' specification also describes the cargo retaining element 16 as "constructed from any suitable flexible material that provides an envelope or container for securing cargo . . ." which is clearly

distinguishable from the elastic cords disclosed by Labeur. As shown and described with reference to Figure 3, the removable embodiment of Applicants' invention allows the cargo to be carried or transported to/from the vehicle while in the flexible/expandable container. Clearly, this would not be possible with the elastic cords disclosed by Labeur. Applicants respectfully submit that the elastic cords disclosed by Labeur do not anticipate the flexible container disclosed and claimed by Applicants so that the rejection under 35 USC §102(b) should be withdrawn.

With respect to claim 17, Labeur does not disclose an expandable container as described above, and further does not disclose an expandable container that extends to a predetermined position to accommodate cargo as claimed. Rather, the elastic cords of Labeur function so the "retaining plate 1 can be drawn by means of the elastic cables 2 onto the items to be stowed. If the items are too big to be received completely in the cavity 4, then the pressure of the retain plate 1 against the items, and their position on the edges of the cavity, serves to hold the items in a manner substantially without slipping." (Col. 5, ll. 2-8).

While the Examiner notes that Labeur discloses a "non-integral configuration", there is no suggestion or teaching to provide a removable container as disclosed and claimed by Applicants to move cargo to/from the vehicle. Claim 4 has been amended and claim 21 has been added to more particularly point out this feature of Applicants' invention that is neither disclosed nor suggested by the prior art relied on by the Examiner. As described above, Labeur clearly does not suggest removal of the stowing aid to remove contents from the vehicle as the elastic cords would not contain the cargo. Rather, Labeur seems to suggest a non-integral embodiment that could be installed in a vehicle as a non-OEM or after-market device. While Applicants claimed invention could also be installed as an after-market device, the container is removable from the storage system, which is clearly distinguishable from removing the entire storage system. This feature is neither disclosed nor suggested by Labeur.

For the reasons above, Applicants' respectfully submit that the invention as disclosed and claimed in claims 1,4, and 16-18 is not anticipated by Labeur and request the Examiner to withdraw the rejection under 35 USC §102(b).

Rejection of Claims 2, 3, 5, and 19 Under 35 USC §103(a)

The Examiner rejected claims 2, 3, 5, and 19 as being unpatentable over Labeur in view of Eguchi, US 2000/0094984. Applicants respectfully disagree and traverse the Examiner's rejection.

As described above and incorporated by reference here, Labeur does not disclose a flexible or expandable container as disclosed and claimed by Applicants. The Examiner relies on Eguchi as disclosing a net or fabric that extends from elastomeric cords (3) and states that the motivation to combine these features would be to prevent smaller objects from escaping from the elastomeric cords.

Applicants respectfully submit that the Examiner has not identified a proper motivation for one of ordinary skill in the art to combine the features of Labeur with those of Eguchi and has not presented a prima facie case of obviousness. Rather, it appears that the Examiner's rationale is based on impermissible hindsight using Applicants' disclosure as the basis for the motivation to combine various features that are neither suggested nor disclosed in Eguchi with those of Labeur in rejecting Applicants' claims. In particular, Eguchi is precisely the type of cargo storage system that Applicants identify deficiencies within the Background section of Applicants' disclosure. The cargo net of Eguchi does not recognize the desirability of stowing the cargo device out of view and out of the way when not being used. Similarly, while Labeur recognizes the desirability of a stowing system that is aesthetically pleasing, Labeur clearly does not recognize the desirability of a container, such as a net or fabric, that can be stowed out of the way and out of view as disclosed and claimed by Applicants.

For the reasons above, Applicants respectfully submit that the Applicants' claims are patentable over the prior art and that the rejection under 35 USC §103(a) should be withdrawn.

Rejection of Claims 6, 7, and 20 Under 35 USC §103(a)

The Examiner rejected claims 6, 7, and 20 as being unpatentable over Labeur in view of Labeur '283. Applicants respectfully disagree and traverse the Examiner's rejection.

The Examiner relies on Labeur '289 as disclosing a cargo retaining element that is supported in a plurality of positions on the vehicle floor by a plurality of recesses. The Examiner states that the motivation to combine these features would have been to allow the cargo storage area to be a plurality of sizes without squeezing the objects held therein.

Applicants' respectfully submit that there is no motivation to combine the features of Labeur '926 with Labeur '283 as proposed by the Examiner and that the Examiner's stated motivation is impermissibly derived from Applicants' disclosure. Furthermore, the proposed combination, even if proper, fails to disclose or suggest features of Applicants' claimed invention.

The Examiner is combining two references having the same inventor and stating that it would be obvious to one of ordinary skill in the art to combine these features in rejecting Applicants' claims. It clearly was not obvious to the inventor, Luc Labeur, or there would be some suggestion in either one of the references to combine the features as suggested by the Examiner.

Neither Labeur '926 or '283 disclose a flexible container as disclosed and claimed by Applicants and described in detail above. The cargo restraint disclosed in Labeur '283 includes a rod 17 that can be positioned in various seats 20 or recesses in the vehicle floor. The device includes another vertical rod 28 that is rotatable and has a speed-dependent retractor. It is unclear how the combination of this system with the stowing aid disclosed in Labeur '926 would be constructed or operate as proposed by the Examiner. As such, even if the combination were proper, it would not result in a storage system with an end panel and flexible container that can be positioned using the end panel and recesses in the floor to hold the container open as disclosed and claimed by Applicants.

For the reasons above, Applicants respectfully submit that the invention as claimed in claims 6, 7, and 20 is patentable over the prior art relied upon by the Examiner and request that the rejection be withdrawn.

Rejection of Claims 13-15 Under 35 USC §103(a)

The Examiner rejected claims 13-15 as being unpatentable over Labeur in view of Youngs et al. US 6,908,269. While Applicants respectfully disagree and

traverse the rejection for similar reasons as those stated above, Applicants have canceled these claims to present new claims without an additional fee such that the rejection is obviated.

Rejection of Claim 8 Under 35 USC §103(a)

The Examiner rejected claim 8 as being unpatentable over Labeur in view of Labeur '283 and further in view of Youngs et al. Applicants respectfully disagree and traverse the Examiner's rejection.

The Examiner has not identified a proper motivation to combine these three references without the improper use of hindsight based on Applicants' teachings. The Examiner states that one of ordinary skill in the art would be motivated to combine these features "to allow the storage system to be stretched across the entire width of the vehicle storage space or to allow small objects to be held when the end panel is flush with the trim panel." However, it is unclear how this motivation is provided by the prior art without considering Applicants' teachings.

Applicants' invention as claimed in Claim 8 is directed to a storage system having a flexible container that can be stowed in a vertical trim panel which is neither disclosed nor suggested by any of the three references relied upon by the Examiner as described in greater detail above. The storage system claimed in Claim 8 includes a rotatable hook on the end panel and to removably secure the end panel at a predetermined distance from the vertical trim panel when deployed. The dynamic hook disclosed by Youngs et al. is attached to a cord, similar to the stowing aid disclosed by Labeur '926, with the cord being extended across the vehicle when deployed. There is no disclosure or suggestion to attach the hook to a flexible container as disclosed and claimed by Applicants, or to have a hook accessible for hanging cargo when the container is stowed. As such, even if the combination was proper, the resulting storage system would not include each of the claimed features of Applicants' Claim 8.

For the reasons above, Applicants respectfully submit that the invention as claimed in Claim 8 is patentable over the three references relied upon by the Examiner and request the Examiner to withdraw the rejection under 35 USC §103(a).

Rejection of Claim 9 Under 35 USC §103(a)

The Examiner rejected claim 9 as being unpatentable over Labeur. Applicants respectfully disagree and traverse the rejection.

As stated above and incorporated by reference here, Labeur does not disclose or suggest a flexible container as disclosed and claimed by Applicants and therefore does not disclose or suggest a flexible container that extends from within the cavity of a vertical trim panel secured to a rear portion of a passenger seat. As such, Applicants respectfully submit that Claim 9 is also patentable over the Labeur '926 reference relied upon by the Examiner.

Summary

Applicants have made a genuine effort to respond to the Examiner's objections and rejections to advance prosecution of this application. Applicants respectfully submit that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

No additional fee is believed to be due as a result of filing this Amendment. However, please charge any fees to Deposit Account 50-2438 (Lear Corporation).

The Examiner is requested to telephone the undersigned to discuss resolution of any issues necessary to place this case in condition for allowance.

Respectfully submitted:



David S. Bir, Reg. No. 38,383
Attorney of Record

February 17, 2006

Bir Law, PLC
45094 Middlebury Ct.
Canton, MI 48188-3215

Telephone: 734-981-5646